

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SHANE T. LANCOUR,

Plaintiff,

v.

ORDER

LA CROSSE CTY. SHERIFF'S DEP'T and LA CROSSE
CTY. JAIL AND ITS EMPLOYEES,

20-cv-726-wmc¹

Defendants.

I ordered pro se plaintiff Shane T. Lancour to file an amended complaint. I advised Lancour that, to state a claim against a jail employee, he had to identify the employee by full name in the amended complaint's caption. Lancour's amended complaint is due by December 7, 2022. Lancour has filed a letter requesting guidance, which was docketed as a motion. Dkt. 19. Lancour contends that he needs documents such as inmate requests and incident reports to comply with my order but that Captain Jim Verse has a standing order that will not allow him to obtain the documents without a request by an attorney or a court order. Lancour also contends that he has filed a writ of mandamus in state court and that, if the state court does not authorize the release of the documents soon, he will not be able to timely file an amended complaint that complies with my order to amend. Lancour adds that Captain Verse is retaliating against him in connection with this lawsuit.

If Captain Verse has issued such a standing order, it could potentially interfere with Lancour's ability to comply with my order to amend. But Lancour has not submitted any proof that such an order exists. So I will order Lancour to file a copy of the standing order that he

¹ I am exercising jurisdiction over this case for screening purposes only.

alleges that Captain Verse has issued. Lancour may present this order to jail officials to support his request for a copy of the standing order. Also, because Lancour will need some time to try to obtain a copy of the standing order, I will give Lancour extra time to file an amended complaint.

If Lancour believes that Captain Verse is retaliating against him in violation of his civil rights, Lancour may, if he wishes, file a new, separate action under 42 U.S.C. § 1983 in which he attempts to state a retaliation claim against him. I will not allow Lancour to assert such a claim in this lawsuit because the allegation or retaliation does not arise from the same core of facts that Lancour's complaint arises from.

ORDER

IT IS ORDERED that:

1. Plaintiff's motion, Dkt. 19, is GRANTED IN PART.
2. Plaintiff may have until December 8, 2022 to file a copy of Captain Verse's alleged standing order that, according to plaintiff, prevents plaintiff from obtaining copies of inmate requests and related documents absent a formal request by an attorney or a court order. If such a standing order exists, the appropriate parties at the La Crosse County Jail are DIRECTED to provide plaintiff with a copy of the standing order.
3. Plaintiff may have until December 8, 2022, to submit an amended complaint that corrects, if possible, the deficiencies I identified in my August 31, 2022, order to amend. All other provisions of that order and my order of November 8, 2022, shall remain in full force.

4. The clerk of court is directed to send plaintiff a copy of this order.

Entered November 23, 2022.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge